

Applicant : J. Stuart Cumming
Appl. No. : 09/943,910
Examiner : Kamrin R. Landrem
Docket No. : 13533.4030

Remarks

Reconsideration of this application is requested.

By the present amendment, an additional Claim 30 is added and which reads on the elected species and, like other claims, is believed to be generic.

The Examiner has rejected the active claims (9-14, 17, 21-22 and 25-27) in this application on a combination of Klaas and Sheets, basically contending that the disclosures in Figures 14 and 15 of Klaas are combinable with the protuberances of Sheets. It is respectfully submitted that this is purely a hindsight argument based on Applicant's disclosure and is not a realistic combination nor is the same obvious.

Importantly, the Figure 14-16 disclosure in Klaas is only of the optic which is to be placed and supported in the artificial capsule sac or bag 12. Thus, the Klaas disclosure is solely a dual system, wherein the bag is held open by an artificial lining with the lens therein. With this construction, it would make no sense to add protuberances to the lens system of Figures 14-15 and, it is respectfully submitted, such protuberances would adversely affect the Klaas design and would impede the lens movement. Thus, there is no disclosure whatsoever in Klaas that the construction of Figure 14-15 would or could be used alone in the eye – the design is simply a lens within a bag which goes within the eye such that the lens can move by gravity when the head is tilted forward or downward to read.

Accordingly, it is respectfully submitted that the claims of this application are allowable, and a Notice of Allowance is earnestly solicited.

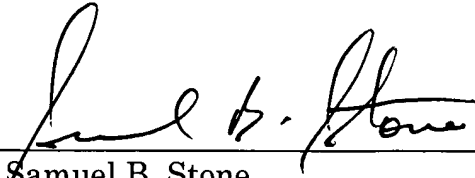
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The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: 8/6/04

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